

18.05.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M. (DB) 1303 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Thanarpara** Police Station Case No. **203** of **2021** dated **22.11.2021** under Sections 148/149/323/302/504 of the Indian Penal Code and Sections 25/27 of the Arms Act and Section 3/ 4 of the E. S. Act.

And

In Re : Bidhiron Bibi @ Bidurinnessa Mondal & Anr.

..... petitioners

Mr. Rudradipta Nandy
Mr. Asraf Mondal

.....for the petitioners

Mr. Somnath Adhikari
Mr. Siakat Chatterjee
Mr. F. R. Hazari

....for the de-facto complainant

Mr. Bibaswan Bhattacharya

....for the State

Petitioners renew the prayer for bail.

Learned advocate appearing for the petitioners submits that, subsequent to the earlier order of rejection, the Jurisdictional Court enlarged two of the co-accused on bail. The petitioners stand on the better footing as that of the two other co-accused.

Learned advocate appearing for the State submits that the statement recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.) does not contain the name of the petitioner. He refers to the case diary. He submits that, there are two sets of 161 Cr.P.C. statements. In one set, the

petitioners are said to be by-standers while on other set, the petitioners are said to be instigating the assailants in throwing the 'Improvised Explosive Devices'.

The de-facto complainant is represented.

Considering the materials in the case diary and considering the fact that the two other co-accused was enlarged on bail by the Jurisdictional Court and considering the period of detention, we deem it appropriate to grant bail to the petitioners.

Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the **learned Additional Chief Judicial Magistrate, Tehatta, Nadia**, subject to the condition that the petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner without further reference to this Court.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

